

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BONILLA,

Petitioner,

v.

Case No. [19-cv-06678-VC](#) (PR)

**ORDER DISMISSING PETITION FOR
WRIT OF MANDAMUS WITH
PREJUDICE**

Plaintiff Steven Wayne Bonilla, a state inmate, has filed a *pro se* document entitled, “In re: to the matter of Steven Wayne Bonilla being represented by court appointed counsel,” in which he argues the California case, *In re Barnett*, 31 Cal. 4th 466 (2003), unconstitutionally violates his First Amendment right to redress his grievances. The Clerk of the Court designated this case as a petition for a writ of mandamus.

In *Barnett*, the California Supreme Court held that capital inmates who are represented by counsel cannot file *pro se* submissions to the court, to the extent the submission challenges or pertains to the legality of the death judgment. *Id.* at 477. The Court excepted from this rule a *pro se* motion regarding the inmate’s legal representation. *Id.* at 477 n.7.

The gravamen of Bonilla’s petition is his dissatisfaction with his legal representation in his state court criminal proceedings and in his federal court habeas proceedings. *Barnett* does not preclude Bonilla’s filing a *pro se* motion regarding his legal representation. However, this motion must be filed in his pending habeas case, *Bonilla v. Ayers, Jr.*, 08-0471 YGR, not as a

separate petition.

Furthermore, this Court lacks the authority to issue orders to a state court or to another federal district court. *See Demos v. U.S. District Court*, 925 F.2d 1160, 1161-62 (9th Cir. 1991) (petition for a writ of mandamus to compel a state court or official to take some action is frivolous as a matter of law); *Mullis v. U.S. Bankruptcy Court*, 828 F.2d 1385, 1393 (9th Cir. 1987) (a federal district court lacks authority to issue a writ of mandamus to another district court).

This is not a case in which the undersigned judge's impartiality might be reasonably questioned. *See United States v. Holland*, 519 F.3d 909, 912 (9th Cir. 2008) (absent legitimate reason to recuse himself or herself, judge has a duty to sit in judgment in all cases assigned to that judge).

The petition is dismissed with prejudice. The Clerk shall close the case, terminate all pending motions and shall return, without filing, any further documents Bonilla submits after this case is closed.

IT IS SO ORDERED.

Dated: November 25, 2019

A handwritten signature in black ink, appearing to read 'VCH', is written above a horizontal line.

VINCE CHHABRIA
United States District Judge